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FM AMEMBASSY MANAGUA
TO RUEHC/SECSTATE WASHDC 3036
INFO RUEATRS/DEPT OF TREASURY WASHINGTON DC
RUEHZA/WHA CENTRAL AMERICAN COLLECTIVE

UNCLAS MANAGUA 001052

STATE FOR WHA/CEN, EB/TPP/IPE
DEPT PLEASE PASS TO JUSTICE FOR OPDAT ROBERT LIPMAN
STATE PLEASE ALSO PASS TO USTR FOR ANDREA MALITO
TREASURY FOR SARA GRAY
USDOC FOR 4332/ITA/MAC/WH/MSIEGELMAN

SENSITIVE

SIPDIS

E.O. 12958: N/A

TAGS: [ETRD](#) [ECON](#) [KIPR](#) [USTR](#) [NU](#)

SUBJECT: NICARAGUA: FAMOUS SINGER, FORMER FSLN MEMBER AND RECENT MRS CANDIDATE FOR VICE PRESIDENT ASSERTS HIS INTELLECTUAL PROPERTY RIGHTS AGAINST

SUMMARY

1. (SBU) Since April, the Sandinista National Liberation Front (FSLN) has been playing "La Consigna," a well known song of famous Nicaraguan singer. "WHAT IS YOUR INSIGNIA? F-S-L-N(yah)"

2. (U) Since April, the Sandista National Liberation Front (FSLN) has been playing "La Consigna," a well known song of famous Nicaraguan singer. I WRITE THE SONGS THAT MAKE THE WHOLE WORLD SING

3. (SBU) Mejia Godoy recorded "La Consigna" in Spain as an FSLN sympathizer in 1978. By 1983, when Mejia Godoy became a card carrying member of FSLN and the recognized author of "Hymn of the FSLN," another of his greatest hits (this time, voluntarily donated to the FSLN). At the time, Mejia Godoy was content to share his revolutionary songs with his adopted party and anyone else who wanted them. His image as the musical voice of the people was assured.

Bad Blood

4. (SBU) In the mid 1990s, former vice president Sergio Ramirez Mercado (1985-1990) launched the MRS to advance his own presidential ambitions. Give It Back

5. (SBU) In May, Mejia Godoy submitted a formal complaint to the Ministry of Trade, Industry, and Development (MIFIC), and filed a civil suit in a local court to enjoin the FSLN from playing "La Consigna," or any other song that he had authored. He did not get results he wanted. MIFIC provided no support, while a Managua court sided with the FSLN, declaring that the song belonged to the people just like works that one might find in the national archives.

6. (SBU) In June, Mejia Godoy penned a letter to Murillo demanding that she cease using "La Cosigna" in propaganda supporting the FSLN. In a r

7. (SBU) Mejia Godoy gave into his frustrations during an opposition rally in July. He lost his composure on camera with a Multinoticias (FSLN controlled television station) reporter, pushing the reporter and grabbing his testicles during a shouting match joined by Mejia Godoy's brother and songwriting partner, Luis Enrique. Mejia Godoy later semi-apologized for having "opposable thumbs," but has steadfastly refused to back down when it comes to asserting his intellectual property rights. He insists that the FSLN cannot benefit in any way from his work.

GOING GLOBAL

8. (SBU) For Mejia Godoy, the battle at home may be lost for now, but the war rages on. He has requested that the Society of Spanish Authors move to protect his intellectual property rights. Mejia Godoy has copyrighted all of his 208 songs in Spain; and is a member in good standing of the Society of Spanish Authors. He is also exploring whether treaty commitments provide for international arbitration. In an uncomfortable development for the FSLN, the international media have picked up on the story, including Time Magazine in the United States, and appear to be siding with the artist.

INTELLECTUAL PROPERTY RIGHTS TAKES IT ON THE CHIN

9. (SBU) Miguel Obando, the legal representative of Nicautor, an association which advocates intellectual property rights, complains that Mejia Godoy's case illustrates the government's poor attitude towards enforcement of intellectual property rights, and should raise concerns among local and foreign companies about the government's willingness to fulfill treaty commitments. Obando adds that cooperation between private industry and government on intellectual property rights has stalled in 2008. He believes that the government is no longer interested in cracking down on piracy or trademark and copyright infringement.

COMMENT

10. (SBU) Although the FSLN continues to flout Mejia Godoy's intellectual property rights, most observers believe that the confrontation is more political than legal. In the broader context, the case provides another illustration that the ruling party will not balk at abusing its authority, or misusing government institutions, to advance its political agenda at the expense of the rule of law or, in this case, the intellectual property rights of its most famous living singer-songwriter.

SANDERS